

1 **FINAL**

2
3 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
4 **PLANNING COMMISSION MEETING**

5
6 **Wednesday, September 3, 2008**

7 **7:00 p.m.**

8 **Cottonwood Heights City Council Room**
9 **1265 East Fort Union Boulevard, Suite 300**
10 **Cottonwood Heights, Utah**

11
12 ***ATTENDANCE***

13
14 **Planning Commission Members:**

15
16 Gordon Nicholl, Chairman
17 J. Thomas Bowen
18 JoAnn Frost
19 Doug Haymore
20 Perry Bolyard
21 Jim Keane
22 Amy Rosevear
23 Brad Jorgenson, Alternate
24

14 **City Staff:**

Michael Black, Planning Director
Morgan Brim, Planning Technician
Shane Topham, City Attorney
Greg Platt, Planner
Brad Gilson, City Engineer

25 **BUSINESS MEETING**

26
27 **1. WELCOME/ACKNOWLEDGEMENTS.**

28
29 Chairman Gordon Nicholl called the meeting to order at 7:02 p.m. Procedural issues were
30 reviewed.
31

32 **2. CITIZEN COMMENTS.**

33
34 (19:33:23) Michael Albrecht gave his address as 7435 Camelback Circle. He had questions
35 about the proposed zoning changes affecting swimming pools. Chair Nicholl explained that the
36 item was scheduled on the agenda for this meeting and could be addressed at that time.
37

38 (19:03:57) Michael Falk gave his address as 7768 South 2325 East. He thanked the City for
39 modifying the crosswalk on Bengal Boulevard by the skateboard park. While it has been
40 helpful, there are still people who disregard pedestrians using the crosswalk. He commented that
41 he rides his bicycle to the skate park because of the lack of parking. Mr. Falk encouraged more
42 public education in that regard. Chair Nicholl thanked Mr. Falk for his input and reported that
43 the Commission will be reviewing plans in the near future for a community center in the area.
44

45 Mr. Falk commented that mosquitoes are unusually abundant this year. He wondered if there
46 was a reason for it. Planning Director, Michael Black, stated that Bruce Jones would be the

1 person to contact, as he represents the City on the Mosquito Abatement Board. Mr. Black
2 reported that the last update received from Mr. Jones did not identify any problems.

3
4 Mr. Falk stated that the slope running from his backyard to the school was sprayed for weeds. It
5 often seemed to create a fire hazard. Everything in the area is now dead. Mr. Falk stated that
6 some of the trees are even dying. Mr. Black was not familiar with weed abatement in the area
7 referred to, but suggested Mr. Falk contact Kevin Smith in the City's Public Works Department
8 who would be better able to answer his questions. Mr. Black explained that the Planning
9 Commission addresses planning issues and is not up to date on public works issues.

10
11 There were no further citizen comments.

12
13 **3. PUBLIC HEARINGS:**

14 **3.1 The Planning Commission will receive public comment on a request by Allen**
15 **Nielson to rezone 2.0 acres from RR-1-43 to RR-1-21 (1 Acre Lots to ½ acre Lots).**
16 **This property is located at 2249 East 7800 South.**
17

18 (19:07:25) City Planner, Greg Platt, presented the staff report and stated that the applicant is
19 requesting a zone change for property located at 2249 East 7800 South. The General Plan
20 designation for the subject property is rural residential. Staff received two phone calls in
21 opposition to the proposal, citing traffic impacts and geologic concerns. Two phone calls were
22 also received in support of the proposal with no specific reasons given. Most citizens making
23 inquiries were indifferent or gave no input once the proposal was described.

24
25 Mr. Platt stated that the property is located at the end of 7800 South, which is a cul-de-sac south
26 of Brighton High School. It is on a two-acre portion of a previously subdivided five-acre lot. On
27 the property is a slope that drops approximately 150 feet. The southern portion of the original
28 five acres was subdivided into three one-acre parcels, leaving one two-acre parcel at the top. The
29 current zoning is RR-1-43 and allows for lots of one acre or greater in area. The proposed
30 zoning of RR-1-21 allows for lots as small as one-half acre. Other nearby residential properties
31 are zoned R-1-8, which allow for lots as small as 8,000 square feet, or 0.18 acre.

32
33 The original lot was zoned differently from the adjacent lots because it was formally part of the
34 five-acre lot, the majority of which was at the bottom of the hill and, therefore, zoned to be
35 consistent with the majority of the lots in the City. Now that the lot has been subdivided, the
36 portion at the top of the hill would more appropriately be zoned similar to the surrounding
37 residential lots. The general plan designation for the subject property was rural residential, and a
38 change would require a general plan amendment. Staff's position was that it would be more
39 appropriate to rezone the lots to RR-1-21 rather than R-1-8.

40
41 (19:11:34) Mr. Platt commented that one of the stated objectives of the general plan is to
42 minimize capital improvement costs by encouraging new development to occur near similar
43 developments. Staff felt that objective was being met with this proposal. In addition, the City is
44 interested in ensuring a harmony of land uses and maintaining existing densities and land use
45 patterns. Staff's opinion was that if the proposed zone change were allowed, it would encourage

1 similar development with adjacent parcels, and maintain an existing land use pattern while still
2 allowing for reasonable development.

3
4 Future potential uses were discussed. Mr. Platt stated that in addition to single-family homes, the
5 RR-1-21 zone allows for bed and breakfasts and home occupations. Mr. Platt clarified that the
6 list remains the same regardless of whether the property maintains the current zoning of RR-1-43
7 or the proposed zoning of RR-1-21. The only difference would be a change to the minimum lot
8 size from one acre to one-half acre.

9
10 (19:13:10) Mr. Platt stated that City Engineer, Brad Gilson, reviewed the traffic impact to the
11 area. His opinion was that the traffic generation of the four lots would be minimal. In addition,
12 he stated that the traffic on the street already falls well below the capacity of the existing streets.
13 Mr. Gilson was present to answer questions.

14
15 One citizen reported concern with the geology in the area. Staff was aware that the parcel
16 location on the precipice and the nature of the soils in the area are issues, and any development
17 of the property would require geologic reports and studies prior to approval.

18
19 Staff recommended approval of the request for a zone change for the subject parcel from RR-1-
20 43 to RR-1-21. Staff felt the zoning change places the parcel on more equal ground with
21 adjacent lots while maintaining the intent of the general plan. Staff believes the existing incline,
22 which separates the northern lot from the other subdivided lots, creates a logical land division
23 between land uses. Lots at the bottom should and do fit with the surrounding lots, while the lot
24 remaining at the top of the hill has substantially different requirements, due to the less intensive
25 zoning of RR-1-43 from the adjacent residential lots with a zoning of R-1-8. Staff's opinion was
26 that a change to RR-1-21 would bring the size requirements for the lots in the parcel more in line
27 with requirements for other lots similarly situated at the top of the hill. Staff feels that the
28 development furthers the objectives of the general plan by allowing developments that are
29 consistent with existing land use patterns and adjoining lots with similar conditions.

30
31 (19:15:35) The applicant, Allen Nielson, gave his address as 2188 East Cottonwood Cove Lane.
32 He reported that the intent of the project is to make it match with minimal impact. Mr. Nielson
33 lives off the hill and planned the project to be something that he would enjoy living by as well.
34 In consulting with staff, what was proposed was what he believed was the best option.

35
36 (19:16:57) Michael Falk gave his address as 7768 South 2325 East. He expressed concern with
37 traffic on 2325 East. He was concerned that the project will exacerbate the problem. It seemed
38 to him that the City and County enforcement have been ineffective. He was not aware of any
39 neighbors who weren't concerned about it. On many occasions he had seen vehicles speed right
40 through the stop sign. Mr. Falk expressed concern that too many drivers will be added to the
41 area and increase the congestion during peak hours. He reported that there was a landslide in the
42 area in the 1980's. Mr. Falk encouraged the City to consider installing speed bumps on the road.
43 Chair Nicholl stated that that was a possibility, although it was not scheduled for discussion at
44 the present meeting. He also acknowledged that the Commission is aware of the traffic problems
45 resulting from the high school. Mr. Falk stated that all drivers are an issue, not just the students.

1 (19:19:00) Chris Falk gave her address as 7768 South 2325 East and identified herself as the
2 wife of Michael Falk. She pointed out that there is a serious traffic problem on 2326 East and
3 stated that they have spoken to the police, the Commissioners, and the Mayor about it. Adding
4 four more homes with only compound the existing problems. She asked what the applicant has
5 planned for the property. Chair Nicholl clarified that there would be four residential homes on
6 the property. Specific development plans were not yet before the Commission for consideration.
7 He explained that the current item before the Commission for consideration was a rezone of the
8 property.

9
10 (19:21:16) Renee King was present with her son, Landis, and stated that they live on Nantucket.
11 She was concerned that the traffic is already heavy and to add four lots rather than two will
12 create more problems. She was worried that a car will hit a child. She was aware of the traffic
13 issues when she purchased the home 6 ½ years earlier. She stated that her children cannot play
14 anywhere near the road until the traffic has decreased at 7:00 at night. She added that adult
15 motorists drive as fast and recklessly as the teenaged drivers. To date they had been unable to
16 get speed bumps or other traffic calming devices installed.

17
18 (19:23:05) There were no further comments. Chair Nicholl closed the public hearing.

19
20 In response to a question raised, Mr. Gilson confirmed that staff was working on a traffic
21 calming application along Nantucket. He reported that staff has been obtaining traffic counts
22 and are in the process of analyzing the data and seeking alternatives. Mr. Black stated that less
23 than 1% of the current daily traffic would be added to the area as a result of the proposed
24 development. Commissioner Haymore clarified that while there would be no impact from the
25 proposed development, traffic-calming devices were being considered because of the existing
26 traffic problems. Mr. Gilson stated that traffic generated by the development would occur during
27 non-school hours. Mr. Black was aware that the Public Works Department had made some
28 improvements such as painting white lines on the road in some areas and repairing the Brighton
29 bump. He did not believe the proposed development affects the existing traffic issues on the
30 road.

31
32 Commissioner Rosevear agreed that there is a problem as she lives on this street and has two
33 young children. She recognizes that there is a problem but did not believe the proposed
34 development is the cause. She remarked that children cannot go near the street at any time.

35
36 Commissioner Haymore asked if 7800 South was the same design as the 2325 East, where 2325
37 East is narrow. Mr. Gilson stated that there may be a different road cross-section and added that
38 7800 South has restricted parking due to issues with parking in the Brighton parking lot.
39 Commissioner Rosevear commented that there is a sidewalk at 7800 South, while there is not
40 one on 2325 East. Mr. Gilson clarified that 7800 South has high-back curb and gutter, while
41 2325 East has rolled curb. Mr. Black added that Bengal Boulevard is a collector street, while
42 2325 East is a residential street.

43
44 Chair Nicholl stated that the Commission would act on the item at its next meeting.
45

1 **3.2 The Planning Commission will hold a public hearing and receive public comment on**
2 **the proposed amendments to Chapter 19.76, Supplementary and Qualifying**
3 **Regulations.**

4
5 (19:27:57) Mr. Black explained that Chapter 19.76 consists of regulations that are outside of the
6 individual zoning districts or other ordinances. It addresses such things as how to subdivide a
7 two-family home, how tall a fence can be, and the procedure for raising the height of a fence.
8 Proposed additions included construction regulations within an existing neighborhood and
9 commercial structure site plan requirements. Pool regulations were also addressed in the
10 amendments.

11
12 Mr. Black stated that he and the Chief Building Official, based on various building permits for
13 swimming pools and the lack of regulations, wanted to add language addressing swimming
14 pools. What they found was a knock off of the old IBC regulations for swimming pools that are
15 no longer part of the IBC standards. They used these regulations as a model to create the
16 proposed amendments.

17
18 (19:30:37) As a result of discussion that took place during the work session, there appeared to be
19 more to be done on the proposed amendments. He stated that it might not meet the intent of the
20 Planning Commission and City Council for these types of structures on private property. One
21 issue may be confusion about front yard water structures. It was unclear as to whether these
22 would be disallowed if they are 18 inches deep or if they require a surrounding fence. There was
23 also some confusion about fencing and where a pool can be located on the property. Mr. Black
24 agreed to talk again with the Chief Building Official and City Attorney about the regulations and
25 refine them and address the matter again at the next meeting.

26
27 Chair Nicholl reported that the swimming pool issue was discussed at great length during the
28 work session. The Commission was very concerned with public safety and public perception of
29 the issues. He explained that there are limits to public protection and questions remained about
30 front yard water issues. He clarified that the Commission asked Mr. Black to revisit the
31 proposed swimming pool regulations to resolve various issues.

32
33 Chair Nicholl opened the public hearing.

34
35 (19:32:52) Michael Albrecht gave his address as 7435 Camelback Circle. He stated that he
36 purchased a home about one year earlier with an existing 33-foot pool in the backyard. When he
37 looked at the zoning requirements he was disappointed, particularly with the fencing height
38 requirements. He commented that the current requirement is six feet. He thought five feet
39 would be a more appropriate height. He remarked that the highest commercial pool fencing he
40 was aware of is five feet. A six-foot fence would have to be customized, which would result in
41 an additional expense to homeowners.

42
43 Mr. Albrecht stated that the proposed regulations include a life buoy with a diameter of 15
44 inches. He asked for a specific description of a life buoy. It was more specifically described as a
45 life ring. Mr. Albrecht stated that there are no 15-inch life rings approved by the US Coast

1 Guard. Only 24-inch, 30-inch, and 34-inch devices are approved for such a use. He commented
2 that he was unable to find a 15-inch ring in any store.

3
4 (19:35:27) Mr. Black commented that a six-foot fence is standard for a backyard. He reiterated
5 that the proposed regulations would only be required for new pool construction and would not be
6 retroactive. He informed Mr. Albrecht that he would not need to modify his existing fence.
7 Mr. Albrecht added that a fence directly surrounding a pool is not a standard-sized fence and can
8 present a safety hazard. Mr. Black stated that there would not need to be a secondary fence
9 around the pool and a regular backyard fence would satisfy the requirements.

10
11 With regard to the buoy, Mr. Black clarified that the proposed regulations state that a life buoy is
12 a ring. The word “buoy” only implies that it is a floating device. The regulations read “not more
13 than 15 inches” not “no less than 15 inches.” Several Commission Members commented that the
14 language is confusing. Commissioner Rosevear suggested it read, “not less than 15 inches.”
15 Mr. Black explained that the purpose of the limit of 15 inches may be because there is a limit to
16 how large a floatation device can be in order for someone to be able to effectively hold onto it in
17 an emergency. Commissioner Haymore suggested that the Coast Guard standards should be
18 sufficient and the City’s regulations should be consistent with them. Commissioner Bowen
19 suggested having the regulations read, “Coast Guard approved”, which would clarify the issue.
20 Chair Nicholl suggested that Mr. Albrecht meet with Mr. Black on the issue to relate the
21 information he has.

22
23 (19:38:15) Commissioner Haymore’s understanding was that the intent of a fence that is
24 specifically for the pool would be different from other types of fencing. He explained that in the
25 case of a pool in a backyard, the expectation would be that there would be a normally fenced
26 perimeter, which would be sufficient. They were not looking for a fence within a fence. What
27 was envisioned was a normal backyard fence. Commissioner Haymore added that in the absence
28 of a fenced backyard, a specific fence would be required enclosing the swimming pool or a
29 locking cover. Mr. Black read from the proposed regulation, which read, “all private swimming
30 pools, including above-ground pools, shall be completely surrounded by a fence or wall not less
31 than six feet in height, which shall be so constructed as not to have openings, holes, or gaps
32 larger than four inches in a vertical or horizontal direction, except for doors and gates. The fence
33 shall be of a type not readily climbed by children. A dwelling or accessory building may be used
34 as part of such enclosure.”

35
36 Chair Nicholl stated that it does not state where the fence has to be. Other Commission
37 Members agreed that it seemed like a regular backyard fence would be sufficient. Commissioner
38 Haymore added that in some subdivisions where there is no backyard fencing or where they are
39 prohibited by homeowners’ associations, a separate regulation would be required for swimming
40 pool fencing. He believed a full six-foot fence would not be appropriate directly surrounding a
41 pool. Chair Nicholl added that in this case, a swimming pool fence or a cover that secures the
42 pool would be acceptable. Mr. Black agreed to examine all of the issues and present a proposal
43 to the Commission at a future meeting.

44
45 (19:42:41) Jeff Mikell gave his address as 3658 Golden Oaks Drive. His understanding was that
46 the supplementary conditions already exist and are being amended. That was confirmed to be

1 the case. He asked about the guest home regulations and was unsure whether the intent of the F-
2 20 zone would include guest homes. He also questioned whether the language deleted on page
3 four of the proposal was moved or completely deleted. It was clarified that the language was
4 removed completely. Mr. Black explained that it was deleted because it included old
5 information that is now irrelevant.

6
7 Mr. Mikell commented that the construction mitigation plan that was added was a positive
8 addition. He is a contractor and has had prior disagreements with residents regarding start times.
9 However, he believed that 7:00 a.m. to 8:00 p.m. Monday through Saturday would be excessive
10 given the use of loud construction equipment. He thought the hours of 7:00 a.m. to 5:30 p.m.
11 Monday through Friday would be appropriate. Commissioner Bowen inquired whether it would
12 be more important to start earlier or work later. Mr. Mikell stated that it would depend on the
13 job. For example, there should not be a restriction on road construction that has to be done at
14 night. He added that 7:00 a.m. may be too early and 7:30 a.m. to 8:00 a.m. may be more
15 appropriate in a residential area. He thought 8:00 p.m. was too late and work should conclude by
16 6:00 p.m. Commissioner Frost commented that there is a short building window for outside
17 construction. Commissioner Haymore commented that he personally would want at least one
18 day of a day of quiet in the neighborhood. Chair Nicholl added that this was discussed at length
19 in the work session. Mr. Mikell then suggested that if the longer hours are allowed six days per
20 week, perhaps Sunday could be restricted.

21
22 (19:47:54) Mr. Mikell commented that a six-foot fence around a swimming pool would be
23 catering to the fence industry. He thought a four-foot height was more appropriate. Height
24 issues were discussed. Commissioner Bowen commented that a six-foot fence is standard for a
25 backyard. If the requirement were changed to four feet, the regulations would allow for a four-
26 foot fence around a backyard with a pool, which would be less than standard. Chair Nicholl
27 added that the language could be reworded. Commissioner Rosevear suggested wording to read
28 that if the fence is within five feet of the pool, a lower height may be allowed.

29
30 Mr. Mikell referred to noise issues relating to a pool but thought noise issues were probably
31 addressed elsewhere. He thought a standard noise ordinance should be sufficient. Chair Nicholl
32 stated that there is also a noise ordinance in the city. Mr. Black stated that the paragraph referred
33 to is intended to control the noise from a swimming pool party. He confirmed that there is
34 already a noise ordinance in place.

35
36 (19:50:17) Mr. Mikell referred to page 12, deleted item G, and asked if this was a regulation
37 previously passed that is now being rescinded. Mr. Black explained that the language applies to
38 short-term rentals and there is a chapter dedicated specifically to them.

39
40 Mr. Mikell then inquired about the language on page 16, item A. He questioned the definition of
41 the word "aggrieved." Mr. Black clarified that it allows anyone to appeal a Planning
42 Commission decision. He noted that the person filing the appeal does not have to be a resident.

43
44 (19:52:24) Mr. Mikell's final question pertained to lot grade measurements found on page 5,
45 item E. Mr. Black explained that this pertains to the slope of the lot. The zoning ordinance
46 states that if a lot is sloped more than 15%, then the maximum height is 30 feet rather than 35

1 feet. This establishes how the City determines if a lot is sloped more than 15%. The footprint of
2 the building is measured rather than the entire lot. Possible clarifications were discussed. Chair
3 Nicholl suggested that Mr. Mikell meet with Mr. Black to discuss serious concerns.

4
5 (19:56:02) Allen Nielson gave his address as 2188 Cottonwood Cove Lane and identified
6 himself as a plumbing, heating, and cooling contractor. With regard to contractor's hours, he
7 reminded the Commissioners that during various times of the year it gets light earlier or it gets
8 dark earlier. In his business, he shifts starting times by two hours depending on the time of year.
9 He explained that many subcontractors work ten-hour day shifts with no work on Fridays due to
10 a slow-down in the industry and because government offices are not open for them to obtain
11 inspections. Chair Nicholl commented that the current window allows for 13-hour workdays.
12 Mr. Nielson stated that if he they are allowed a 10-hour day they have to manage their time
13 carefully. He suggested the allowed time be increased more than 13 hours. To his knowledge,
14 most cities allow construction until 9:00 p.m. Mr. Black stated that Cottonwood Heights allows
15 work to be done until 10:00 p.m. His understanding was that most cities have the same
16 requirement. Presently the County allows work to go from 6:00 a.m. to 10:00 p.m.

17
18 Mr. Nielson remarked that his crew meets at the shop in the morning. By the time they get to the
19 job site and have a one-hour lunch, a 13-hour window may not be enough. Commissioner
20 Bowen commented that some of his work would be inside and not impact the neighborhood.
21 There would have to be a distinction made between that and primarily outdoor construction
22 work. Mr. Nielson stated that the majority of the work done by his company is outdoor work
23 Commissioner Rosevear asked Mr. Nielson's opinion about Sunday work. Mr. Nielson's
24 opinion was that every business should be closed on Sunday. He expected four-day work weeks
25 to become more popular because many contractors can't afford to keep their offices open when
26 they can't get inspections.

27
28 (20:00:21) Mr. Black commented that the City has not moved to four-day work weeks because
29 the Building Department has to be open on Friday. Mr. Nielson stated that current policy is that
30 if someone complains about noise on a Saturday, they leave the job site for the day. While
31 Saturdays are not a priority, there are times when the additional hours are necessary to finish a
32 particular job.

33
34 (20:01:58) George Vargyas a Top of the World Circle resident commented on measuring the lot
35 grade. He did not think the restrictions should be eased for sloped lots because the building size
36 is more noticeable. Mr. Black commented that that issue is moot for the Top of the World area
37 since everything in the sensitive lands overlay requires 30 feet, regardless of slope.

38
39 Chair Nicholl reported that the public comment period will end at 5:00 p.m. on September 4.

40
41 (20:04:40) Commissioner Haymore thought it would be important to distinguish between
42 different areas. In commercial areas it might be more appropriate to have longer working hours.
43 He stated that built-out residential areas would be very different with regard to construction
44 noise.

1 Commissioner Bowen inquired about page 17, item E, regarding fences. The proposed
2 amendment read that fences shall not exceed four feet in the front yard and six feet in the side
3 yard. Someone with a swimming pool would be required to have a six-foot fence all around the
4 property, which he believed was inconsistent. Commissioner Rosevear suggested that the word
5 “required” be added for clarity.

6
7 Commission Bowen referred to the construction mitigation plan and asked if it covered all types
8 of construction. Mr. Black confirmed that it does presently. Commissioner Bowen asked what
9 would happen if someone happened to be remodeling a bathroom. Mr. Black explained that if
10 the construction required a permit, it would apply and would have to be approved by himself or
11 the Building Official. A strictly interior remodel would be different. Commissioner Bowen
12 stated that interior construction is not differentiated in the proposed amendments. Mr. Black
13 agreed that they should explore this difference. He added that regulations should include the
14 ability for him or the Chief Building Inspector to make special exceptions.

15
16 Commissioner Hayward stated that in the context of infill construction, there are issues such as
17 overflowing dumpsters, traffic, and noise. He stated that even though all of the work is interior,
18 there is still a lot of mess and disruption in a mature neighborhood. He wanted to remember the
19 reason the mitigation plan was put in place, which was for mature neighborhoods having to
20 tolerate contractors who are motivated by speed rather than the residents’ need for peace.
21 Commissioner Bowen agreed but stressed that an indoor paint job for example, should not be
22 subject to time restrictions. It was clarified that an indoor paint job would not require a building
23 permit; therefore, the regulations would not apply. Chair Nicholl stated that the issues identified
24 will be examined further at a future meeting.

25
26 **3.3 The Planning Commission will hold a public hearing and receive comments on the**
27 **proposed amendments to the Foothill Recreation Zone F-20; Foothill Residential**
28 **Zone F-1-43; Foothill Residential Zone F-1-21; Rural Residential Zone RR-1-21;**
29 **Residential Single Family Zone R-1-15; Residential Single Family Zone R-1-10;**
30 **Residential Single Family Zone R-1-8; Residential Single Family Zone R-1-6 Zoning**
31 **Amendment. Modifying Setbacks for Accessory Structures and Re-Evaluating**
32 **Adopted List of Permitted and Conditional Uses.**
33

34 (20:11:24) Mr. Black explained that previous public hearings were held on the above issue. The
35 proposed amendments address changes in all residential zones except for mixed use and the R-2
36 zone. The various changes were reviewed. The most substantive change was the removal of bed
37 and breakfasts from all zones. It was suggested that they be added to the residential office zone.

38
39 Setback issues pertaining to accessory buildings were also changed. A previous ordinance
40 allowed accessory building setbacks to be one foot from the property line. In discussing the
41 issue with ordinance enforcement, it was determined that a one-foot space between a fence and a
42 structure ends up being a nuisance strip where trash collects and pests congregate. As a result,
43 the setback was increased to five feet to allow for better access in these areas. He commented
44 that five feet was later determined to be excessive and the requirement was changed to three feet
45 to serve both purposes.

1 (20:14:51) Mr. Black explained that all other changes are as reflected in the staff report. Chair
2 Nicholl stated that the Planning Commission has spent numerous hours reviewing the various
3 sections of the code. One of the concerns in the special use category was that according to State
4 code, if no justifiable reason can be found to deny a conditional use, it must be approved.
5 Consequently, many items were eliminated as conditional uses in some residential areas.

6
7 Chair Nicholl opened the public hearing. There were no public comments. The public hearing
8 was closed.

9
10 Mr. Black understood from the work session that the item would be scheduled for an additional
11 public hearing and action at the next meeting.

12 13 **4. ACTION ITEMS.**

14 **4.1 The Planning Commission will take action on a request by Mark Neff for an** 15 **amendment to the General Plan. The applicant proposes an amendment from the** 16 **Low-Density General Plan Designation to the Medium-Density Designation. The** 17 **property is located at 8575 South Wasatch Blvd. A public hearing was held for this** 18 **item on August 20, 2008 before the Planning Commission.**

19
20 (20:16:46) Mr. Black reported that he received a request from the applicant to postpone the
21 discussion due to a scheduling conflict. Mr. Black received the request from the applicant, Mark
22 Neff, the previous day via email. Commissioner Bowen stated that because the item is scheduled
23 for action and not discussion, there is no need for applicant input. He suggested the item proceed
24 as scheduled.

25
26 Mr. Platt presented the staff report and stated that the applicant was requesting an amendment to
27 the general plan for property located at 8575 South Wasatch Boulevard. A map of the subject
28 property was displayed.

29
30 (20:18:29) Commissioner Haymore stated that his concerns were weighed against comments that
31 there may be a need for different types of housing and that this parcel may be a good place to do
32 that. He thought that amending the general plan for a small number of properties to break a
33 clean and logical line between land uses was problematic. In this specific instance, it presents a
34 larger problem because he does not see the result as a better, more pleasing development. His
35 opposition had grown stronger through the process. In the beginning he thought the property
36 might be a good place for different uses because of its challenging topography and location in
37 relation to Wasatch Boulevard. In listening to the substantive comments made during the public
38 hearing process, he tried to weigh the issues out in his mind. In doing so he became more
39 convinced that denial was the only decision that is consistent with the needs of the community
40 and maintains the integrity of the general plan.

41
42 Commissioner Bowen agreed with the staff's observation that if the zone change is granted, it
43 does not ensure that the City will get what has been represented. He was concerned that instead
44 of ending up with three or four developed lots, they will end up with more duplexes, which
45 would be a mistake. He stated that there are parcels of property in this and other cities that do

1 not lend themselves well to development. He did not think it was the Planning Commission's
2 obligation to bail someone out who owns such a parcel.

3
4 (20:21:52) Commissioner Frost stated that although the item has been before the Commission on
5 several occasions, the argument has not changed. Other areas along the corridor are developed
6 beautifully and within the scope of the existing general plan. This parcel for some reason
7 remains undeveloped. As a result, she did not view the problem as a zoning issue. She
8 explained that the zoning issue has been solved. She supported the observations and
9 recommendation of staff.

10
11 (20:22:43) *Commissioner Frost moved to recommend denial of the application to change the*
12 *zoning from R-1-8 to R-2-8 and that the property remain in the existing zone per the findings*
13 *set forth by staff. Commissioner Haymore seconded the motion.*

14
15 Commissioner Rosevear was of the opinion that the property is unique but agreed with
16 Commissioner Bowen's concerns.

17
18 (20:24:58) *Vote on motion: Amy Rosevear-Aye; Doug Haymore-Aye; J. Thomas Bowen-Aye;*
19 *JoAnn Frost-Aye; Perry Bolyard-Aye; Jim Keane-Aye; Gordon Nicholl-Aye. The motion*
20 *passed unanimously.*

21
22 **5. DISCUSSION ITEMS.**

23
24 (20:25:26) Chair Nicholl addressed Planning Commission meeting times. He stated that
25 meetings originally were scheduled from 6:00 p.m. to 9:00 p.m. The times were changed to
26 include a work session from 6:00 p.m. to 7:00 p.m. The Planning Commission Meeting was to
27 begin at 7:00 p.m. and end at 9:00 p.m. He suggested a recommendation be made to the City
28 Council that they adjust the wording in the procedure rules to change the end time from 9:00
29 p.m. to 10:00 p.m.

30
31 Commissioner Bowen stated that 10:00 p.m. was too late to adjourn. Commissioner Haymore
32 added that the meetings usually end by 9:00 p.m. He commented that they could give
33 themselves until 9:30 p.m. but still try to end by 9:00 p.m. Commissioners Bowen and Frost
34 agreed. Commissioner Bowen stated that the work session currently begins at 5:45 p.m.
35 rather than 6:00 p.m. and lasts until 6:45 p.m. Commissioner Haymore liked the 9:00 p.m. end
36 time as it causes staff to look carefully at the agenda and more equally balance the various items.
37 He thought that was good for the community because people come and the meetings are
38 accessible. He thought the 9:00 p.m. end time had been successful with some exceptions.

39
40 Commissioner Haymore thought the Chairs had done a good job of reorganizing agendas so that
41 important issues are heard first. He thought it involved a combined effort between staff
42 scheduling and the Chair being considerate of the public's time. He thought the policy in place
43 had worked well.

1 **5.1 The Planning Commission will review and discuss the progress of the City Center**
2 **Master Plan.**

3
4 (20:29:21) Mr. Black presented the current master plan and noted that all Planning Commission
5 comments were considered as changes were made. He commented that the orientation was
6 changed slightly and meant to mirror a particular curve from one building to another. He
7 explained that the changes were proposed to address a piece of property being considered for
8 purchase by the City for the possible development of a police station.

9
10 (20:33:40) An aerial photo of the site was shown. Mr. Black stated that there was an increase in
11 open space with the proposed master plan. An amphitheatre, soccer field, football field, and an
12 open-air concert area were envisioned with decorative and thematic elements in the front. Two
13 water features were planned on the two sides of City Hall.

14
15 Mr. Black reported that an open house was planned for September 23 from 12:00 p.m. until 7:00
16 p.m. At 7:00 p.m. a public meeting was scheduled with the City Council. The meeting would
17 not include a public hearing and the item was not scheduled for action. The intent was to give
18 the public an opportunity to voice concerns about the proposed City Center. A Community
19 Development Block Grant was obtained for financing of the master plan. Approximately
20 \$70,000 a year is received in grants, of which approximately \$30,000 would be used to fund the
21 City Center Master Plan.

22
23 Commissioner Haymore asked for clarification as to whether the money was required to be spent
24 or if there was money available to spend. Mr. Black explained that there would have been uses
25 for the money; however, the development of the police station property was being considered
26 and was the primary reason for the proposed master plan document. The grant money afforded
27 the City the opportunity to complete the plan.

28
29 **6. PLANNING DIRECTOR'S REPORT.**

30
31 (20:37:45) Mr. Black reported that the Wasatch Office property is closed and is now in the hands
32 of Salt Lake County. They are looking at developing the plans for the actual property that will
33 include trailhead parking and restrooms. Planning was to take place this winter with possible
34 construction next year. He reported that there is a cooperative agreement between Cottonwood
35 Heights and Salt Lake County to develop and maintain the property. It was clarified that the sale
36 has been recorded.

37
38 Mr. Black read an email from Robert Goode to the Planning Commission. Mr. Goode was
39 unable to attend tonight's Planning Commission Meeting but he reviewed all of the redlined
40 versions of the ordinance changes and had no concerns. He thanked the Commission Members
41 for their hard work.

42
43 **7. APPROVAL OF MINUTES.**

44
45 (20:39:31) Chair Nicholl commented that several sets of minutes needed to be approved.
46 Commissioner Haymore pointed out during the work session that the January 9 and January 16,

1 2008 minutes were approved previously. The remaining minutes to be approved were February
2 6, March 19, and August 20, 2008.

3
4 Commissioner Bowen stated that he previously provided Mr. Black with his comments and
5 changes, particularly relating to the voting on several items. Commissioner Haymore suggested
6 the recorded votes be reviewed to ensure accuracy. Mr. Black commented that the voting issues
7 mostly had to do with the fact that the alternates were recorded as voting when they did not.
8 Commissioner Bowen was troubled by the fact that there are so many gaps in the minutes. He
9 asked that that be resolved. For example, in the latest set of minutes, there was a comment that
10 someone had an office across the street from a particular parcel. The individual who spoke
11 should have been easily identifiable. Commissioner Haymore suggested that each Commission
12 Member review the minutes and if they agree with the vote reflected they can proceed with
13 approval.

14
15 (20:41:21) Chair Nicholl stressed the importance of specifying who makes and seconds motions.
16 There should then be a roll call vote so that there is no mistake as to how each member voted. It
17 was particularly important to note that there would not be a vote from any Commissioner not
18 sitting in a chair. Commissioner Haymore thought electronic recording of the minutes was the
19 best option to help solve many problems. Commissioner Bowen questioned whether written
20 minutes are necessary if there are electronic minutes. Commissioners Haymore and Frost and
21 Mr. Black agreed that written minutes are necessary.

22
23 Commissioner Bowen added that if the Planning Commission has written minutes, they should
24 be accurate. He did not recall problems identifying which Commissioners were speaking until
25 the recent change in transcription services. Mr. Black responded that the minutes weren't very
26 clear before the change was made. Commissioner Bowen disagreed and did not think the
27 minutes were accurate now. Mr. Black agreed that there are problems with voice recognition,
28 which is improving. However, he believes there has been a significant increase in detail.
29 Commissioner Bowen stated that in one item, a comment was made that read "a Commission
30 Member" which was clearly a statement made by Commissioner Frost. That was of concern to
31 him. He suggested that a possible solution might be for Mr. Black to review the minutes prior to
32 distributing them to the Planning Commission.

33
34 (20:43:49) Mr. Black explained that he had always proofread the minutes in the past. However,
35 approximately six months ago, the City Recorder asked if the minutes could be sent directly to
36 the Commissioners. The Commissioners now receive the minutes the same time he does.
37 Mr. Black agreed to review them prior to distributing them to the Commission Members.
38 Commissioner Bowen liked that option since Mr. Black can make many of the necessary
39 corrections. Further corrections can be made by the Planning Commissioners, provided the
40 minutes aren't scheduled for approval several months after the meeting. Mr. Black stated that
41 there should not be a problem scheduling the minutes for approval within a couple of weeks of
42 the meeting.

43 44 **7.1 January 9, 2008**

45
46 The January 9, 2008 minutes were previously approved.

1
2 **7.2 January 16, 2008**
3

4 The January 16, 2008 minutes were previously approved.
5

6 **7.3 February 6, 2008**
7

8 *(20:45:20) Commissioner Haymore moved to approve the minutes of February 6, 2008, with*
9 *the changes submitted. Commissioner Rosevear seconded the motion. Vote on motion: Amy*
10 *Rosevear-Aye; Doug Haymore-Aye; J. Thomas Bowen-Aye; JoAnn Frost-Aye; Perry Bolyard-*
11 *Aye; Jim Keane-Aye; Gordon Nicholl-Aye. The motion passed unanimously.*
12

13 **7.4 March 19, 2008**
14

15 *(20:46:20) Commissioner Rosevear moved to approve the minutes of March 19, 2008.*
16 *Commissioner Keane seconded the motion. Vote on motion: Amy Rosevear-Aye; Doug*
17 *Haymore-Aye; J. Thomas Bowen-Aye; JoAnn Frost-Aye; Perry Bolyard-Aye; Jim Keane-Aye;*
18 *Gordon Nicholl-Aye. The motion passed unanimously.*
19

20 **7.5 August 20, 2008**
21

22 Mr. Black read Commissioner Bowen's comments, which identified the changes made to the
23 August 20, 2008 minutes. Commissioner Bolyard added that he was also shown as voting on the
24 adjournment, which he did not. Commissioner Haymore commented that while he does not
25 mind stylistic and grammatical changes, he was uncomfortable approving minutes that require
26 substantive changes or are missing motions. It would be his preference to not approve them until
27 the corrected copy is received. The Commission Members agreed.
28

29 **8. ADJOURNMENT.**
30

31 *(20:51:36) Commissioner Bowen moved to adjourn. Commissioner Keane seconded the*
32 *motion. Vote on motion: Amy Rosevear-Aye; Doug Haymore-Aye; J. Thomas Bowen-Aye;*
33 *JoAnn Frost-Aye; Perry Bolyard-Aye; Jim Keane-Aye; Gordon Nicholl-Aye. The motion*
34 *passed unanimously.*
35

36 The Planning Commission Meeting adjourned at 8:51 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
2 *Cottonwood Heights City Planning Commission meeting held Wednesday, September 3, 2008.*
3
4

5
6 
7
8

9 Teri Forbes
10 T Forbes Group
11 Minutes Secretary
12

13
14 Minutes approved:

DRAFT